DOCUMENT RESUME

ED 196 973 UD 020 968

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TITLE Out-of-Court Program Development.
NOTE 9p.; Paper presented at the conference entitled "Meeting the Educational Needs of Students Who Speak a Vernacular English in the Public School Setting."

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS *Black Dialects; Board of Education Policy; Community Problems; Court Role; Elementary Secondary Education; *English Instruction; *Equal Education; Legal Problems; Legal Responsibility; *Program Development
IDENTIFIERS *Texas (Houston)

ABSTRACT

The problems encountered in the development of programs for desegregated schools outside of the courts as well as strategies for resolving the difficulties are discussed. The issues are presented within the context of the development of a program that addressed the needs of students who spoke Black Vernacular English in Houston. Problems cited include the ambiguity and lack of guidance in the development process, the lack of a solid data base from which to make decisions, pressure to make decisions on political or legal grounds rather than on educational grounds, and the arousal of ethnic sensitivities during program development. Four strategies found useful by Houston school personnel are discussed: (1) seek assistance from experts, (2) limit the focus of controversial issues, (3) take the initiative during the negotiation process, and (4) make concessions selectively. (MK)

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SEP 5 - 1980

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Out-of-Court Program Development
Carol Kuykendall

Let me begin with a few disclaimers to scale down expectations for my comments on this topic. First, speaking publicly on out-of-court program developoment involves a very fundamental problem since the process is one of negotiation, and negotiation occurs behind closed doors. Although I would like to approach the topic anecdotally, I can hardly supply the kind of detail that would most vividly illustrate the process as it has evolved in Houston.

Second, the program development process I will describe is an unfinished work. It was an unfinished work even in mid-May when the Justice Department filed a multi-district metropolitan desegregation suit of unprecendented scope and thus escalated the legal conflict surrounding our ongoing efforts to develop a consensus plan to improve instruction for speakers of Black Vernacular English. Now that the legal picture has changed so dramatically, other changes could ensue. I can only invite you to stay tuned . . .

The third and final disclaimer concerns my own perspective on the process to be discussed. Since I coordinate the English language arts program in Houston schools, my comments will reflect a somewhat narrower and more specialized point of view than would that of my superintendent, who would have the additional advantage of being authorized to speak officially for the district, as I cannot. What follows is a set of strictly personal perceptions--a first-person perspective undoubtedly partisan since I am personally and professionally invested in Houston schools and believe very deeply in the current crusade to buck trends in urban education.

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Despite the limitations I have just admitted, I do feel that out-of-court program development is a phenomenon worth exploring in a conference concerned with the educational implications of vernacular English. Essentially, I would like to share with you the legal context within which my district has become involved in out-of-court program development, some of the major sources of difficulty in working through the process, and some of the strategies we have found successful enough to recommend to others involved in such efforts.

Perhaps the first question to be addressed is how a district becomes involved in out-of-court program development. Our own involvement emerged from the latest installment of the 24-year old Ross vs. HISD case. In the current phase of this ongoing case, the district is seeking status as a unitary school system, a classification indicating that the district has done all that can reasonably be done to achieve racial desegregation. While vigorously committed to continued use of such desegregation tools as magnet schools and incentives for student transfer, the district is pressing its case for unitary status in order to be relieved of direct court supervision. Such relief would allow greater latitude in implementing programs and even greater attention to enhancing the quality of education in the schools.

It was within the context of legal efforts to win unitary status that the issue of Black Vernacular English arose in Houston. One of the counsel opposed to HISD's unitary positon cited the achievement gap between Blacks and other students, attempted to link that gap with an apparent language barrier, and argued that the district's failure to resolve the problem showed that Houston schools were not doing everything possible, not just to desegregate but also to provide educational equity for Black students. The judge

hearing the case has not ruled on this particular issue, nor is he being asked to rule on it. Instead, this lawyer, supported by consultants of his own choosing, has met and continues to meet with lawyers and instructional staff of the district to develop a mutually satisfactory program to address the special needs of students who speak Black Vernacular English. The program emerging from these ongoing negotiations will be implemented voluntarily rather than under court supervision--thus, the term out-of-court development.

This low-key approach to program development sounds deceptively safe and simple. Actually, it is fraught with problems that should be clearly understood by anyone planning to engage in the process. Some of these problems complicate any attempt to deal responsibly with the issue of Black Vernacular English. Several, however, seem to loom especially large in out-of-court efforts.

The difficulty unique to out-of-court program development lies in the fact that it is so amorphous and so fluid. No crisply defined court order sets forth what is to be done; it is a matter of feeling one's way along rather than complying after-the-fact with a specific court order. Furthermore, the issue of Black Vernacular English cannot be considered independently on its own merits when it becomes a critical though informal element in a larger legal picture. In a very real sense, language instruction becomes a pawn in a much larger game, thus making out-of-court program development a high-risk venture.

A second problem--and easily the most perplexing and most frustrating for educators--lies in the lack of a solid data base upon which to make programmatic decisions. Although a great deal is known about the phonological, lexical, and syntactic features of Black Vernacular English, depressingly

little is kown about the interaction of BVE with Standard English and the effect of that interaction upon learning. Does the fact that a child speaks BVE interfere with language learning, or is it merely an influence? So far, the evidnece is unclear, as William Hall points out in his excellent analysis of research in the area of reading available through ERIC. Neither is much known about strategies for dealing with possible interference or for teaching Standard English as a second dialect. A third lag in the state of the art plagues assessment, where no adequate instruments have yet been developed to chart individual language profiles or to evaluate school programs. There is a real danger that eagerness to meet the special needs of students will combine with external pressures to stampede schools into implementing on a broad scale unvalidated materials, methodology, and assessment procedures.

Unfortunately, not everyone is troubled by this lack of a solid data base. Herein lies another problem encountered by school personnel in out-of-court program development. Bluntly stated, the problem is vulnerability to exploitation by those who are untroubled by lack of a data base--a few linguists and more than a few overnight BVE specialists who smell consulting money and don't hesitate to push for questionable experimentation in the schools. I'm sure that my own hefty file of unsolicited proposals is not unique!

A related problem results from pressures to make instructional decisions on political and legal rather than educational grounds. As educators, we all know (or should know) enough to respect the child's home-rooted language. We also know that learning a second dialect is fraught with complexity, that the process takes time and motivation--and that's just for starters. Yet there is awesome political pressure to apply a quick fix, perhaps one that will risk destructive tampering with the child's own language system and still not insure facility in Standard English.

Finally, I should cite the danger of arousing ethnic sensitivities and polarizing the community--especially if behind-the-scenes efforts are leaked, misunderstood, and sensationalized by the media. Keeping out-of-court program developoment low-key requires lots of finesse and even more luck.

Without purporting to offer any final answers, I would now like to suggest some strategies for countering the problems just described and for dealing constructively and professionally with the issue of Black Vernacular English as it impacts instruction. Imagine that you are embarking on the process of out-of-court program development. Probably, the issue heated up fast and you have had little time for advance planning. What do you do? Here are a few pieces of advice.

1. Seek assistance. During the early stages of deliberations, when opposing lawyers hit with a cadre of adversary experts, school personnel need help of the what-to-do-until-the-firemen-arrive variety. Regardless of how strong the school staff is, it's hard to overestimate the importance of this shortcut. In Houston, I received immeasurable help over hotlines to the Center of Applied Linguistics, Tom Pietras and Lee Hanson here in Ann Arbor, Mary Barr on Jesse Perry's staff in San Diego, and others. Such sympathetic and knowledgeable veterans can offer an update on emerging precedents and share down-to-earth strategies.

2. Practice containment. To avoid having the entire K-12 language arts program engulfed in controversy and possibly impeded, we split out the element getting the most heat--in our case, the oral use of standard English. From the very beginning, it was apparent that oral language would have to be dealt with. Part of the reason for this focus may lie in Houston test scores; it is a matter of record that the earlier decline in reading scores on the Iowa Test of Basic

Skills has been halted and that the language scores (based mainly on items assessing usage and mechanics in written English) have inched steadily up for almost five years now. Thus, we seem most vulnerable in the area of oral language, and it was the teaching of Standard English as a second dialect that became the centerpiece of our program-development efforts. Although we might have chosen a less thorny element had we been able to do so, we have attempted to separate special program development in oral language from ongoing curriculum improvement in reading and writing. Such containment puts the issue into a realistic perspective, keeps efforts from dissipating, and frees the basic program from disruption.

3. Take the initiative. It is extremely important to show good faith by acting voluntarily in a responsible way even while negotiations are in progress. If possible, this show of good faith should be immediate and concrete. In my own district, we were fortunate enough to be involved concurrently in a major staff stabilization plan that featured an extended day component allowing teachers to earn extra money by teaching small after-school groups of children in need of additional help. We used the extended day program to establish a beachhead in oral language instruction for speakers of nonstandard English. With the aid of consulants from the Center for Applied Linguisitcs, we provided twelve hours of paid inservice for more than 120 teachers. This inservice concentrated on the developmental acquisition of language form and language function, the nature of dialects, the specific characteristics of Black Vernacular Englisn, and the related issue of attitudes toward non-standard varieties of English. Seminars explored the instructional implications of new insights and allowed participants to examine possible classroom approaches

to be tried in their extended day classes. This series of staff development activities and the after-school work with children that followed provided a low-threat way to try promising approaches, test sensitivities, raise awareness concerning linguistic issues, and strengthen the background of teachers.

In additional to such immediate and concrete actions, I would also recommend taking the intiative in long-range planning. Those of us who work with the language program in Houston are thoroughly committed to the belief that long-range plans must rest on a solid platform of staff development. The plan that we have proposed is totally under local leadership with the help of any outside consultants we may wish to involve. Since our district is so large, we have designed a pyramid plan which begins with the in-depth training of a relatively small cadre of teachers who will in turn assist with the training of other teachers. By sustaining this ripple effect, we should eventually prepare most of our teachers to deal with language diversity in their classrooms. If we are to avoid resegregating schools by isolating Black children for special instruction designed for speakers of BVE, brown children for special instruction designed for native Spanish speakers, and so forth, we must prepare teachers to deal with the whole range of language diversity--perhaps focusing upon, but certainly going beyond, B.V.E. Though the proposal sketched briefly above remains nothing more than a proposal at the present time, it provides a long-term goal toward which to work.

4. Make concessions selectively. Since negotiating program development out of court involves an adversary situation, school personnel must be prepared to yield ground selectively. Let me stress selectively. In our district, the big concession is for a small pilot project using the set of methods and materials advocated by the opposing attorney upon the advice of the consulting linguist who is really calling the shots. This pilot,

featuring the teaching of Standard English through contrastive analysis, will be implemented in one junior high school, probably next year, after it has been put into final proposal form and passed by the Board of Education. Although we are skeptical about teaching contrastive analysis as proposed--especially for junior high school students--we are certainly willing to give the methodology a fair trial. If the results seem positiv, we will be more than happy to re-think our position and expand the program to other schools.

Meanwhile, the trick will be to keep sensational press from jeopardizing the integrity of the pilot, shattering community harmony, and contaminating our own more prudent efforts, especially in the area of staff development.

Though the simple strategies listed above have so far enabled us to pick our way through the mine-field of out-of-court program development, I feel that the <u>real</u> answers to the questions confounding the issue of Black Vernacular English as it impacts learning remain elusive. Certainly some of those answers lie in cooperative efforts such as this very conference. When researchers and school people come together to grapple with the most basic of language problems, we leave with renewed impetus. That impetus can only intensify efforts to build that data base upon which to erect solid programs and thus hasten the educational equity we all so fervently seek.

Carol Kuykendall